

REMARKS

Status of Application:

Claims 1, 2, 4-17, 53, 57, 58, and 60 are pending in the application. Claims 5-10, 15, and 53 have been amended. Claims 1-4, 13-14 18-52, 54-56, and 58-60 have been cancelled without prejudice. Therefore, upon entry of the instant amendment, claims 5-12, 15-17, 53 and 57 will be pending in the application.

Interview Summary and Request for Telephonic Interview if Required for Allowance:

Applicants acknowledge with gratitude the very helpful telephonic interview with Examiners Juedes and Ewolt conducted on April 10, 2007. The substance of the interview is summarized in the Interview Summary mailed on April 25, 2007. Applicants' representative, the undersigned, discussed overcoming the remaining rejections under 35 USC § 112 with the Examiners. Amendments to the claims presented herein are consistent with her understanding of amendments that would place the claims in condition for allowance. If the Examiners should disagree, the undersigned earnestly solicits a further teleconference to resolve any remaining issues.

Withdrawal of Rejections:

Applicants acknowledge with gratitude the withdrawal of the rejection of Claims 1-13, 15-17, 53, 57-58 and 60 under 35 USC § 102.

Applicants further gratefully acknowledge the withdrawal of the rejections of the claims under 35 USC § 112, first paragraph, as outlined in section B of the Office Action mailed 10/21/05.

Election of Species:

The Office Action, at page 2 (item 4), states that the instant claims are only being considered as they read on the elected group of agents (i.e., antibodies) until such time as the elected group is found to be allowable. Accordingly, Applicants have cancelled claims

1, 2 and 13-14 as reading on non-elected subject matter. Claim 15 has been amended to independent form, and recites the elected species (antibody).

Rejections Under 35 USC § 112:

Claims 58-60 stand rejected for failure to meet the written description requirement, as allegedly containing new matter (Office Action, p. 3, item 5). Applicants respectfully disagree with the rejection, and submit that the specification as filed contains description sufficient to support administering the agents by intraocular or subretinal injection, for reasons presented previously. It was well known in the art at the time of filing that an effective method of doing so was by intraocular, or subretinal injection, as described many prefiling publications, and exemplified in animal model studies in the instant specification (e.g., Example 6 and Fig. 15) using an antibody agent. Nevertheless, in order to expedite prosecution, Claims 58 and 60 have been cancelled, rendering the rejection moot.

Claims 1-2, 4-13, 15-17, 53, 57-58 and 60 are rejected under 35 USC § 112, second paragraph for alleged indefiniteness because, according to the Office Action, it is unclear how an antibody specific for MT1-MMP would result in decreased gene expression. Inasmuch as claims 1, 4, 6, 13, 58 and 60 have been cancelled, the rejection is moot with regard to these claims.

In this response, claim 1 has been cancelled, and claim 15, reciting an antibody that specifically binds to a MT1-MMP protein or peptide, has been amended to read as an independent claim. Accordingly, pending claims 5-12, 16-17, 53, and 57 now ultimately depend from claim 15. As amended, independent claim 15 reads as follows:

A method for treating a subject having or at risk of developing age-related macular degeneration (AMD), comprising contacting a retinal or choroidal cell of said subject with an agent that decreases the activity of an AMDP-related or phagocytosis-related protein, wherein said protein is matrix

metalloproteinase, membrane-associated 1 (MT1-MMP) and said agent is an antibody that specifically binds to an MT1-MMP protein or peptide.

Support for the language of claim 15 as amended may be found in original claims 1, 4, and 15 and in claim 1 as amended in Applicants' response filed 11/07/06. The phrase referenced in the Office Action, i.e., "decreased gene expression" (referring to the phrase "decreases the expression" in cancelled claim 1) does not appear in claim 15 as presented herein, or in any claim dependent thereon. Consistent with this, the term "gene" has also been deleted from claim 10, limiting the claim to a MT1-MMP protein. Applicants respectfully submit that these claim amendments overcome the rejection based on alleged indefiniteness, and respectfully request reconsideration and withdrawal of this rejection.

In the Office Action (page 5, item 9), claims 1-2, 4-13, 15-17, 53, 57-58, and 60 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Inasmuch as claims 1, 2, 4, 13, 58, and 60 have been cancelled, the rejection is moot with regard to these claims.

According to the Office Action, the instant claims are drawn to a method of treating "a retinal or choroidal degenerative disease or condition associated with increased expression of MT1-MMP with an antibody specific for MT1-MMP," whereas it is alleged that the specification only discloses a single species of disease associated with increased expression of MT1-MMP, i.e., AMD.

Applicants respectfully disagree that the specification only discloses a single species of disease, in view of their demonstration that MT1-MMP is increased not only in human AMD, but also in "at least one form of hereditary retinal degeneration besides AMD in which the primary pathology is in the RPE," i.e., the RCS rat (described, e.g., in the specification at page 54, lines 9-16). Nevertheless, in order to expedite prosecution, independent claim 15 has been drafted to recite only AMD. Therefore, it is submitted that the rejection for lack of written description of independent claim 15 (former claim 1), and all

claims dependent thereon has been overcome. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

In the Office Action (page 5, item 10), claims 1-2, 4-13, 15-17, 53, 57-58, and 60 are rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Inasmuch as claims 1, 2, 4, 6, 13, 58, and 60 have been cancelled, the rejection is moot with regard to these claims.

According to the Office Action, the specification "is enabling for a method of treating a subject having age-related macular degeneration with an antibody that specifically binds MT1-MMP and decreases the activity of MT1-MMP protein." The Office Action further states that the specification is not enabling for a "broad range of other retinal or choroidal conditions encompassed by the claims," or for "antibodies specific for MT1-MMP that are effective for decreasing the expression of MT1-MMP gene."

As discussed above, to expedite prosecution, independent claim 15 as amended herein recites no disease or condition other than AMD. Furthermore, as previously discussed, reference to "gene expression" does not appear in claim 15 and claims dependent thereon. Applicants respectfully submit that claim 15 as amended herein is thus directed to subject matter that is deemed in the Office Action to be enabled, and accordingly request reconsideration, and withdrawal of the rejection.

Claims 1-2, 4-13, 15-17, 53, 57-58, and 60 are rejected under 35 USC § 112, first paragraph, for alleged failure to comply with the written description requirement because, according to the Office Action (page 8, item 11), the claimed phrases: A) "mammalian subject" and B) "that is associated with increased expression of MT1-MMP" (claims 2, 4-17, 53, 57-58, and 60) constitute new matter. Inasmuch as claims 1, 2, 4, 6, 13, 58, and 60 have been cancelled, the rejections are moot with regard to those claims.

Both phrases cited in the Office Action appeared in claim 1, now cancelled. Neither phrase A) nor phrase B) appears in any of the claims as presented herein. Accordingly, Applicants submit that the rejection has been overcome, and respectfully request reconsideration and withdrawal of these rejections.

CONCLUSION:

In view of the amendments and arguments presented herein, Applicants believe the pending application is in condition for allowance. Early and favorable action on the application is respectfully requested. If the Examiner believes an interview would expedite prosecution to allowance, the Examiner is again cordially invited to call the undersigned at the number indicated below.

Dated: May 4, 2007

Respectfully submitted,

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